

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
WESTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MICHAEL SCHERER,

Defendant.

CASE NO. 3:24-CR-0034

JUDGE JAMES R. KNEPP, II

MAGISTRATE JUDGE DARRELL A. CLAY

**ORDER REGARDING APPOINTMENT  
OF COUNSEL**

On February 7, 2024, Defendant Michael Scherer was charged with one count of receipt and distribution of child pornography, in violation of 18 U.S.C. § 2252(a)(2). Following his arrest, he appeared before me for arraignment on February 9, 2024.

At his arraignment, I received a copy of Mr. Scherer's CJA 23 Financial Affidavit. Further information regarding his finances was outlined in the report from Pretrial Services. From the information currently available, Mr. Scherer appears to have sufficient immediately accessible financial resources such that he might not be financially eligible for appointment of counsel under the Criminal Justice Act Plan this Court has adopted. However, in light of the Plan's admonishment that "[a]ny doubts about a person's eligibility should be resolved in the person's favor; erroneous determinations of eligibility may be corrected at a later time," *see* Section IV(B)(2)(d) of the Plan, I appointed Assistant Federal Public Defender Donna Grill as defense counsel for purposes of the arraignment *only*.

Because potential assets disclosed on the Financial Affidavit may be available to Mr. Scherer for the retention of counsel, and consistent with Section IV(B)(2)(g) of the Plan,<sup>1</sup> I hereby direct that any funds available to Mr. Scherer be paid as provided in 18 U.S.C. § 3006A(f).<sup>2</sup>

**IT IS SO ORDERED.**

Dated: February 9, 2024



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DARRELL A. CLAY  
UNITED STATES MAGISTRATE JUDGE

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<sup>1</sup> “If at any time after the appointment of counsel a judge finds that a person provided representation is financially able to obtain counsel or make partial payment for the representation, the judge may terminate the appointment of counsel or direct that any funds available to the defendant be paid as provided in 18 U.S.C. § 3006A(f).”

<sup>2</sup> “Whenever the United States magistrate judge . . . finds that funds are available for payment from or on behalf of a person furnished representation, it may authorize or direct that such funds be paid to the appointed attorney . . . or to the court for deposit in the Treasury as a reimbursement to the appropriation, current at the time of payment, to carry out the provisions of this section.” 18 U.S.C. § 3006A(f).